

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Indian Health Service

Rockville, Maryland 20857 'Refer to: DHPS

INDIAN HEALTH SERVICE CIRCULAR 99-02

EMPLOYMENT OF HEALTH PROFESSIONALS
UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT

Sec .

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1. PURPOSE. This Circular establishes Indian Health Service (IHS) policy on the competitive employment placement of health professionals who have incurred service obligations as a result of their participation in the IHS Scholarship Program (IHSSP), as authorized by the Indian Health Care Improvement Act (IHCIA), codified at 25 United States Code (U.S.C.) 1613(a), Public Law (P.L.) 94-437, Title 1, Section 104 (as amended by Section 338G(a) of the Public Health Service (PHS) Act 142 U.S.C., 254r(a)]).
2. POLICY. Indian Health Service scholarship recipients who have completed the necessary requirements for a health profession degree in accordance with their academic institution and under the IHCIA will receive highest priority placement consideration for available vacancies within the IHS. This policy reaffirms the IHS commitment to fully recognize the continuing health care needs among American Indian and Alaska Native (AI/AN) people and to make use of the professionally trained health care providers upon completion of their scholarship program. Within the context of this policy, bona fide employment consideration will be given to IHCIA scholarship recipients for positions in the health profession disciplines for which they are trained and qualified.

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SERVICE PAYBACK OBLIGATION.

- A. Subject to applicable regulations, the IHCIA Student Handbook, and the IHSSP Contract (IHS Form 818), each IHCIA Scholarship recipient's service obligation is fulfilled by serving the greater of 2 years or 1 year of service for each year of scholarship support received. The minimum period of service payback obligation is 2 years. The IHCIA Scholarship recipient is responsible for seeking and securing a position to fulfill the service obligation. This service may be provided in one of four areas:
- (1) The IHS.
 - (2) Tribal health programs. (A program contracted under P.L. 93-6381)
 - (3) Urban Indian organizations.(A program conducted under Title V, IHCIA.)
 - (4) Private practice in a designated health professions shortage area that addresses the health care needs of AI/AN people.
- B. It is the intention of the provisions of this Circular that IHCIA scholarship recipients who are selected for permanent employment in the IHS will be allowed to complete their service obligation regardless of IHS compacting, reorganizations, or reduction-in-force (RIF), unless dismissal from service is for "cause," as defined in Federal personnel rules and regulations.
- C. When an IHCIA scholarship recipient's employment is affected by an IHS compact and he/she is not hired by the compacting tribal organization or does not go on an Intergovernmental Personnel Agreement and therefore must undergo a RIF, the servicing personnel office (SPO) through which the affected IHCIA scholarship recipient is employed must contact the following individuals to alert them that an IHCIA scholarship recipient needs placement assistance:
- (1) Area scholarship coordinators.
 - (2) Area personnel officers.
 - (3) Director, Division of Health Professions Support (DHPS), IHS.
 - (4) Director, Division of Human Resources (DHR), IHS.

- D. The IHCIA scholarship recipient will continue to have responsibility for completing their service obligation. They must seek and obtain employment in situations described above that will fulfill their service obligation.

4. ELIGIBILITY. An IHCIA scholarship recipient who has completed the necessary requirements for a health profession degree in accordance with their academic institution and under the IHCIA (25 U.S.C. 1613a, P.L. 94-4371) is provided bona fide employment consideration within the IHS if the IHCIA scholarship recipient:

- A. Is trained and qualified for the position.
- B. Is eligible for-Federal employment in accordance with any and all applicable Federal regulations.

An IHCIA scholarship recipient must provide acceptable verification on their personnel employment application of the completion of the necessary requirements for a health profession degree in accordance with their academic institution and under the IHCIA. In order to benefit under this policy, an IHCIA scholarship recipient must apply for a position in the health profession discipline for which he/she was trained under the IHSSP.

Indian Health Care Improvement Act scholarship recipients who are placed in positions covered by P.L. 101-630, the "Indian Child Protection and Family Violence Prevention Act," must undergo the same background investigations as all other IHS applicants/employees who are in covered positions. This law prescribes minimum standards of character and eligibility for employment for individuals who are employed or being considered for employment in positions with duties and responsibilities that involve regular contact with or control over Indian children. A determination that a IHCIA scholarship recipient cannot be placed in a covered position because of a negative investigation does not relieve them of their service obligation.

5. DEFINITIONS.

- A. Bona Fide Employment Consideration. "Bona fide employment consideration" is intended to assist IHCIA scholarship recipients in fulfilling their service obligation. This means that an IHCIA scholarship recipient must be provided highest priority placement as follows:

- (1) For an initial appointment.

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- (2) On "Candidate Referral Rosters" (herein after referred to as "employment registers") furnished by IHS personnel offices for vacancies in the health profession disciplines for which they qualify-in accordance with applicable academic, legislative, and administrative policies.
 - (3) After initial employment in the permanent work force; IHCIA scholarship recipients will receive no further preference under the placement provisions of this Circular, except in the following two instances:
 - a. If the IHCIA scholarship recipient uses his/her "Highest Priority Placement" status to obtain a "temporary" position in the IHS, he/she remains eligible to make use of the "Highest Priority Placement" status to apply for a permanent position.
 - b. If an IHCIA scholarship recipient, through no fault of their own, loses their initial employment position and has to reapply for employment to complete their service obligation, the "Highest Priority Placement" status is immediately re-conferred upon the IHCIA scholarship recipient.
 - (4) The "Highest Priority Preference" status is no longer applicable upon completion of the IHCIA scholarship recipient's service obligation.
 - (5) Any preference referenced herein is limited to the purpose of assisting IHCIA scholarship recipients in fulfilling their service obligation.
- B. Trained and Qualified For. "Trained and qualified for" is defined by the specific laws governing each health profession discipline. Pursuant to that definition, bona-fide employment consideration will be given to IHCIA scholarship recipients for positions in a health profession commensurate with their professional training and experience.
- C. Offer of Employment. "Offer of employment" is defined as an offer of employment to a qualified IHCIA scholarship recipient who has completed the necessary requirements for a health profession degree in accordance with their academic institution and under the IHCIA.

- D. Highest Priority Placement. "Highest Priority Placement" refers to the IHS policy of giving highest priority placement consideration for vacancies in the IHS in the order listed below to IHCIA scholarship recipients who have completed their academic training and have:
- (1) Received their funding directly from the IHSSP (25 U.S.C. 1613.(a), P.L. 947437, Title I', Section 104).
 - (2) Received their funding through the "Watching Grants to Tribes for Scholarship Programs" (25 U.S.C. 1621p, P.L. 94-437, Section 120).
 - (3) Received their funding through the "American Indians into Psychology Program" (25 U.S.C. 1616m, P.L. 94-437, Section 217).
6. PROCEDURES. The following procedures apply when considering IHCIA scholarship recipients for initial appointments:
- A. Initial employment eligibility shall be consistent with the provisions of the IHS Merit Promotion Plan/Excepted Service Examining Plan, applicable Civil Service or United States Public Health Service Commission Corps rules and regulations, and any other eligibility requirements cited in this Circular.
 - B. Any IHS personnel office that has a job opening for which an IHCIA scholarship recipient might apply, must contact:
 - (1) Area scholarship coordinators.
 - (2) Area personnel officers.
 - (3) Director, DHPS, IHS.
 - (4) Director, DHR, IHS.
 - C. Personnel offices will issue an employment register that is consistent with position requirements. The employment register will rank IHCIA scholarship recipients first, with the following annotation: "Employment consideration referral under 25 U.S.C. 1613(a), P.L. 94-437, Title I, Section 104, as amended."

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- D. Selecting officials must give bona fide consideration for vacancies in health professions, disciplines to IHCIA scholarship recipients who have completed the necessary -requirements for a health profession degree in accordance with their academic institution and under the IHCIA.
- E. Indian Health Care Improvement Act scholarship recipients must be recruited before any other applicant is considered.
- F. A non-IHCIA scholarship recipient cannot be selected over a IHCIA scholarship recipient, without first submitting written justification from the selecting official specifying clearly the reason(s) for that selection to the Director, IHS, through the Director, DHR.
- G . When an IHCIA scholarship recipient candidate declines an employment offer, the SPO must notify the Director, DHPS, immediately.
- (1) Such notification must include a written statement from the IHCIA scholarship recipient of the reason(s) for the declination of the position offered.
 - (2) Upon the first declination of a bona fide job offer, the IHCIA scholarship recipient applicant will NO LONGER be eligible for HIGHEST PRIORITY PLACEMENT consideration on employment registers.
 - (3) The Director, DHPS, will place the IHCIA scholarship recipient's statement in his/her IHSSP file and will issue a written statement to the IHCIA scholarship recipient of his/her ineligibility for further "Highest Priority Placement" status.
- H. When an IHCIA scholarship recipient accepts an offer of employment, the IHS SPO must immediately notify the IHSSP and provide a copy of the SF-50, "Notification of Personnel Action," to the Director, DHPS.
- I. Inquiries regarding the specific criteria that meet the definition of being "trained and qualified for" a particular health profession should be referred to the Director, DHPS.

- J. Servicing personnel offices are required to maintain records of all actions involving applicants identified as IHCIA scholarship recipients- in such a manner that will facilitate a prompt response to information requests.

7. Complaints Process.

- A. If an IHCIA scholarship recipient has a complaint about the application of this Circular to the selection process that cannot be resolved on an informal basis, he or she may request a formal review pursuant to the IHS Merit Promotion Plan/Excepted Service Examining Plan. Complaints must be sent to the Area SPO with a copy to the Director, DHPS, IHS.
- B. Applicants for specific vacancies are entitled to know:
- (1) Whether or not they met the minimum qualifications for the position.
 - (2) Whether or not they were referred to the selecting official for consideration.
 - (3) Who was selected and whether the selectee was an AI/AN or a non-Indian.

8. Highest Priority Placement. Any IHCIA scholarship recipient may be placed without regard to any competitive personnel system, agency personnel limitation, or "Indian Preference Policy."

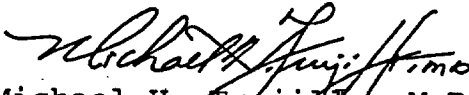
[Appointment of "Indian Preference" applicants is under excepted appointments, P.L. 102-573, (10/29/92), Section 213.3116(b) (8). Appointment of non-Indian scholarship recipients is under excepted appointment, P.L. 94-437, Section 104, as amended.]

The highest priority for placement shall be given to IHCIA scholarship recipients who completed their academic training while receiving their funding in category A, B, or C, (listed below in priority order):

- A. Recipients who have completed their academic training while receiving their scholarship funding directly from the IHSSP (Section 104).
- B. Recipients who have completed their academic training through the "Matching Grants to Tribes for Scholarship Programs" (Section 120).

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- C. Recipients who have completed their academic training through the "American Indians Into Psychology Program" (Section 217).
9. Supersedure. This Circular supercedes all previous policy statements regarding the same subject matter.
10. Effective Date. This Circular is effective upon date of signature.


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